

1972. No. 2

[NC]

SUPREME COURT, NORTHERN IRELAND**FEES AND PERCENTAGES****Supreme Court (Non-Contentious Probate) Fees Order
(Northern Ireland) 1972**

I, THE RIGHT HONOURABLE SIR ROBERT LYND ERSKINE LOWRY, Lord Chief Justice of Northern Ireland, with the concurrence of the Treasury, and in exercise of the powers conferred by the Supreme Court of Judicature (Ireland) Acts 1877 to 1897(a), the Government of Ireland Act 1920(b), the General Adaptation of Enactments (Northern Ireland) Order 1921(c), sections 2 and 3 of the Public Offices Fees Act 1879(d) and all other powers and authorities enabling me in this behalf, do hereby order and direct as follows:—

1.—(1) This Order may be cited as the Supreme Court (Non-Contentious Probate) Fees Order (Northern Ireland) 1972, and shall come into operation on the 3rd day of January 1972.

(2) The Interpretation Act 1889(e) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(3) The Supreme Court (Non-Contentious Probate) Fees Order (Northern Ireland) 1971(f) is hereby revoked save as to any fee due or payable before the commencement of this Order.

2.—(1) In this Order—

“grant” means a grant of probate or letters of administration;

“post-war credit” means an amount of tax to which there is a claim under section 7 of the Finance Act 1941(g), whether the amount has been ascertained and recorded or not.

(2) Except where otherwise stated, a fee referred to by number means the fee so numbered in the Schedule to this Order.

(3) The expression “A4”, followed by the letters “I.S.O.”, means the size of paper so referred to in the specifications of the International Standards Organisation.

3. The fees set out in column 2 of the Schedule to this Order shall be taken in the Principal Probate Registry and District Probate Registry in respect of the items set out opposite thereto in column 1, subject to and in accordance with the directions contained in that Schedule.

(a) 40 & 41 Vict. c. 57; 50 & 51 Vict. c. 6; and 60 & 61 Vict. c. 66.

(b) 10 & 11 Geo. 5. c. 67.

(c) S.R. & O. 1921, No. 1804.

(d) 42 & 43 Vict. c. 58.

(e) 52 & 53 Vict. c. 63.

(f) S.R. & O. (N.I.) 1971, No. 29.

(g) 4 & 5 Geo. 6. c. 30.

4. In the Principal Probate Registry the fees prescribed in this Order shall be taken by impressed stamps and in the District Probate Registry the fees shall be taken in cash.

5. In determining the value of any estate for the purpose of this Order there shall be excluded the value of:—

- (a) a post-war credit;
- (b) a death gratuity awarded in respect of the service of a deceased Civil Servant or other servant of the Crown in respect of which Estate Duty is not payable;
- (c) a death gratuity payable under section 2(2) of the Administration of Justice (Pensions) Act 1950(h).

6.—(1) Where it appears to the Lord Chief Justice that the payment of any fee specified in the Schedule would, owing to the exceptional circumstances of the particular case, involve undue hardship, the Lord Chief Justice may reduce or remit the fee in that case.

(2) Where by any convention entered into by Her Majesty with any Foreign Power it is provided that no fee shall be required to be paid in respect of any proceedings, the fees specified in this Order shall not be taken in respect of those proceedings.

(3) The fees specified in this Order shall be remitted where such fees if taken would be payable out of money provided by the Parliament of the United Kingdom or the Parliament of Northern Ireland:

Provided that this sub-paragraph shall not apply to cases in which such fees are included in costs incurred by the Crown upon any proceedings which other parties may be required to pay.

(4) Where any application for a grant is withdrawn before the issue of the grant, a registrar may reduce or remit a fee.

(5) Where, in the estate of a person who died domiciled in Northern Ireland a grant has been obtained in England or a confirmation in Scotland, court fees shall not be payable in Northern Ireland in respect of the property passing under such grant or confirmation.

Dated the 1st day of January 1972.

Robert Lowry,
Lord Chief Justice.

We concur in this Order:

Tim Fortescue,
Walter Clegg,
Lords Commissioners of Her Majesty's
Treasury.

SCHEDULE

| Column 1 | Column 2 |
|---|----------|
| Item | Fee |
| <i>Application for grants</i> | |
| 1. On an application for a grant other than an application to which Fee No. 3 applies:— | £ |
| If the value of the net real and personal estate passing under the grant is sworn in the Inland Revenue affidavit to be | |
| Not more than £ | |
| 500 | No fee |
| 3,000 | 3-00 |
| 5,000 | 5-00 |
| 10,000 | 10-00 |
| 15,000 | 15-00 |
| 20,000 | 20-00 |
| 25,000 | 25-00 |
| 30,000 | 30-00 |
| 35,000 | 35-00 |
| 40,000 | 40-00 |
| 45,000 | 45-00 |
| 50,000 | 50-00 |
| 55,000 | 55-00 |
| 60,000 | 60-00 |
| 65,000 | 65-00 |
| 70,000 | 70-00 |
| 75,000 | 75-00 |
| 80,000 | 80-00 |
| 85,000 | 85-00 |
| 90,000 | 90-00 |
| 95,000 | 95-00 |
| 100,000 | 100-00 |
| And for every additional £100,000 or any part thereof, a further and additional fee of | 20-00 |
| 2. On an application for a grant by a personal applicant, save where Fee No. 3(a) is payable, in addition to any other fee:— | |
| (a) If the value of the net real and personal estate passing under the grant is sworn in the Inland Revenue affidavit to be:— | |
| Not more than £ | |
| 500 | 1-00 |
| 1,000 | 2-00 |
| 5,000 | 4-00 |
| (b) If the value of the net real and personal estate passing under the grant is sworn to be more than £5,000, but not more than £20,000, for each £1,000 or fractional part of £1,000 | 1-00 |
| (c) If the value of the net real and personal estate passing under the grant is sworn to be more than £20,000, for each £1,000 or fractional part of £1,000 above that value, a further and additional fee of | 0-50 |

| Column 1 | Column 2 |
|---|----------|
| Item | Fee |
| 3. On application for:— | £ |
| (a) a grant in respect of an estate exempt from duty under section 71 of the Finance Act 1952(i) (which gives exemption from estate duty for members of the armed forces, etc.); | |
| (b) a grant limited to trust property; | |
| (c) a duplicate grant; | |
| (d) resealing a grant under the Colonial Probates Act 1892(j); or | |
| (e) any second or subsequent grant (including one following a revoked grant) in respect of the same deceased person, other than a grant preceded only by a grant limited to trust property or to a part of the estate | 1-00 |
| <i>Alterations in grants, etc.</i> | |
| 4. For making any notation on or amendment to the grant and record after issue, or impounding or revoking a grant, or releasing an impounded grant (inclusive of filing any document, making any order, or preparing any memorandum under the Inheritance (Family Provision) Act (Northern Ireland) 1960(k) as amended by the Family Provision Act (Northern Ireland) 1969(l) | 1-00 |
| <i>Caveats</i> | |
| 5. For the entry of a caveat or for a warning to a caveat | 0-50 |
| <i>Deposit of wills</i> | |
| 6. On depositing a will for safe custody in the principal or a district registry (including the filing of any related documents) | 1-00 |
| <i>Searches and inspections</i> | |
| 7. For a search for a grant on behalf of the party applying (whether in person or by letter):— | |
| for every year or part of a year | 0-05 |
| 8. On inspection:— | |
| (a) of an original will | 0-20 |
| (b) of any other document, including a copy of a will | 0-10 |
| <i>Note:</i> | |
| <i>This fee includes the search fee except where Fee No. 710 is payable.</i> | |

(i) 15 & 16 Geo. 6 and 1 Eliz. 2. c. 33.

(k) 1960. c. 15 (N.I.).

(j) 55 & 56 Vict. c. 6.

(l) 1969. c. 38 (N.I.).

| Column 1 | Column 2 |
|---|---|
| Item | Fee |
| <i>Copies of documents</i> | |
| 9. For a photographic copy of all or part of any document, whether or not issued as an office copy, for each photographic sheet:— | £ |
| (a) of A.4 ISO, foolscap or smaller size | 0.10 |
| (b) of larger size | 0.20 |
| 10. For a typewritten copy of any document per page— | |
| (a) of A.4 ISO, foolscap or smaller size | 0.20 |
| (b) of larger size | 0.30 |
| and for each page of any additional carbon copy bespoken, half of the fee above. | |
| 11. For collating a photographic copy with the original document, including the registrar's certificate in verification thereof, per page | 0.10 |
| 12. For collating a copy other than a photographic copy with the original document, including the registrar's certificate in verification thereof, per page— | |
| (a) of A.4 ISO, foolscap or smaller size | 0.20 |
| (b) of larger size | 0.30 |
| 13. For an exemplification, in addition to the fees for typing and collating, or preparing by photography, the necessary documents (inclusive of certification and sealing) | 1.00 |
| 14. For sending by post a copy of any document— | |
| (a) to an address within the inland Postage limits | 0.05 |
| (b) to any other address | The nearest multiple of 5p above postage. |
| <i>Miscellaneous</i> | |
| 15. For the certificate or minute of a judge or registrar | 0.25 |
| 16. For impressing the seal of the court on any document | 0.25 |
| 17. Save in a personal application for a grant— | |
| (a) for administering an oath, for each deponent to each affidavit | 0.25 |
| (b) for marking each exhibit | 0.10 |
| (c) for superintending and attesting execution of a guarantee for each surety | 0.25 |
| 18. Save in a personal application for a grant, for preparing any affidavit, guarantee, or other document for a party in person | 0.25 |

| Column 1 | Column 2 |
|---|--|
| Item | Fee |
| 19. Upon an application for the production of records or documents in any court of law or elsewhere:— | £ |
| Where an officer is required to attend, whether on subpoena or not, his reasonable expenses, and, in addition, for each day or part of a day when he is necessarily absent from his office | 2-00 |
| <i>The officer may require a deposit on account of any further fees and a deposit on account of any further expenses which may probably become payable beyond the amount paid for fees and expenses on the application, and the officer taking such deposit shall thereupon make a memorandum thereof on the application.</i> | |
| <i>The officer may also require an undertaking in writing to pay any further fees and expenses which may become payable beyond the amounts so paid and deposited.</i> | |
| 20. For producing a will to be photographed in the probate registry in which the will has been proved or in which it is deposited | 1-00 |
| 21. For notification by the principal registry to a charitable institution of a bequest in its favour, and forwarding extract | 0-50 |
| 22. For a summons or a motion | The same fees as are payable in an action. |
| 23. For a registrar's order other than on summons (inclusive of filing any document in support of application) | 0-50 |
| 24. For filing any document, other than— (a) a document lodged on application for a grant or included in Fee No. 4, 6 or 23, or (b) an affidavit filed to enable a registrar to give a fiat refusing probate | 0-25 |
| 25. For perusing and settling citations, advertisements, oaths, affidavits or other documents:— | |
| For any one document settled | 1-00 |
| For each additional document settled | 0-50 |

| Column 1 | Column 2 |
|---|---|
| Item | Fee |
| <p><i>Correspondence in the District Registry</i></p> <p>26. For receiving an application for a grant through the post in the district registry and for correspondence with reference thereto</p> | <p>Where no fee is chargeable on application for the grant £0.25. In other cases ten per cent. of the fee chargeable on application for the grant, subject, however, to a maximum fee of £2.00.</p> |

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order replaces the Supreme Court (Non-Contentious Probate) Fees Order 1971, No. 29.

It increases the fee payable on an application for a grant, except in the case of very small estates where the fee is abolished (Fee No. 1), thus bringing this fee into line with that charged in the Supreme Court of Judicature, England.

Under the provisions of the Administration of Estates Act 1971 passed by the Parliament at Westminster, resealing of grants issued within the United Kingdom is abolished. Fee No. 1 on grants issued in Northern Ireland in the estates of persons dying domiciled there will as from the 1st January 1972 be assessed on the net value of the whole estate passing under the grant situated in Northern Ireland, England and Wales and Scotland.

Fees relating to resealing of English and Scottish grants are no longer included in the Order. The other fees, with minor exceptions, are on the same scale as those contained in the English Fees Order.